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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 KIMBERLY ANN VOGTLI,

12 Plaintiff,

13 v.

14 MICHAEL J. ASTRUE, Commissioner of the
15 Social Security Administration,

16 Defendant.

CASE NO. 11-CV-05620 RJB

ORDER ADOPTING REPORT AND
RECOMMENDATION

17 The Court, having reviewed the Report and Recommendation of Judge J. Richard
18 Creatura, United States Magistrate Judge, on Defendant's Motion for Remand Pursuant to
19 Sentence Six, 42 U.S.C. § 405(g) (ECF No. 8) and the relevant record does hereby find and

20 ORDER:

- 21 (1) The Court adopts the Report and Recommendation;
- 22 (2) The matter is REMANDED pursuant to sentence six of 42 U.S.C. § 405(g) to the
23 Commissioner for a *de novo* hearing;
- 24 (3) This Court retains jurisdiction over this action;
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1 (4) After remand, the Commissioner of Social Security shall modify or affirm the
2 Commissioner's findings of fact or the Commissioner's decision, or both, and shall file with the
3 Court any such additional or modified findings of fact and decision;

4 (5) If the outcome is still not fully favorable to Plaintiff, the Commissioner shall file
5 with the Court a transcript of the additional record and testimony on which the Commissioner's
6 action in modifying or affirming is based, and plaintiff may seek judicial review by reinstating
7 this case rather than by filing a new complaint; and
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9 (4) If the outcome is favorable to Plaintiff, the parties shall move this Court for entry
10 of Judgment. This case is administratively closed.
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12 DATED this 7th day of November, 2011.

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16 ROBERT J. BRYAN
United States District Judge
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